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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,006	09/16/1999	YOICHI OKAMOTO	Q55806	9551
7590 12/28/2004 SUGHRUE MION ZINN MACPEAK & SEAS 2100 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20037			EXAMINER FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER

1733

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/398,006

Applicant(s)

OKAMOTO ET AL.

Examiner

Justin R Fischer

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,3,5-7 and 24-26.

Claim(s) withdrawn from consideration: _____

8. ☒ The drawing correction filed on 16 August 2001 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 040901.
10. ☐ Other: _____

Continuation of 5: Regarding the widths of the belt plies, Farnsworth suggests a plurality of embodiments in which the respective belt plies are arranged in a staggered configuration such that the belt end separation is minimized, as is common in the tire industry. Gaudin further evidences this technique with respect to belt designs in general- while Gaudin is directed to a specific belt configuration (angle of cords and radial position), the background of Gaudin is specifically directed to the general use of staggered assemblies in tire belt assemblies (Column 1, Lines 35-40). It is emphasized that Gaudin does not teach away from using a staggered belt assembly in the belt design of Farnsworth. In this instance, the teachings of Farnsworth and Gaudin suggest that a staggered belt assembly having the outermost cord layer with an intermediate axial width would have been well within the purview of one of ordinary skill in the art at the time of the invention. As to the results of Tables 2 and 3, they are not persuasive. In particular, it is well recognized that the degree of separation resistance between respective belt layers is a function of the axial width of the respective layers and the adjacent layers. In this instance, if the outermost layer is significantly wider than the middle cord layer, the majority of stresses would be experienced at the end of the outermost cord layer (Comparative Example 10). Alternatively, if the axial extent of the outermost cord layer is slightly larger than that of the middle cord layer, a portion of the stresses would be shifted away from the end of the outermost cord layer (Comparative Example 11 and Examples 19 and 20). Thus, one of ordinary skill in the art at the time of the invention would have expected the "position of trouble" to shift from the outer end of the outermost cord layer to the underlying belt layer. It is further noted that

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Comparative Example 9 further supports this position in that one would expect the middle cord layer to experience a greater amount of stress if the outermost cord layer is narrower than the middle cord layer.


With respect to the belt construction of Farnsworth, as previously stated, given the use of a high angled belt layer and a pair of low angled belt layers, there are only 6 possible arrangements in regards to the axial extent of the belt assembly.

Regarding Kohno, the reference suggests the use of a coating rubber having a high modulus for the outermost belt layer in order to reduce local buckling of the cords- this benefit, which is analogous to that of the claimed invention, is independent of the angle of the cords such that one of ordinary skill in the art at the time of the invention would have expected to same benefits in the outermost belt layer of Farnsworth.

Lastly, newly added claim 26 is a substantial duplicate of claim 1.


Justin Fischer

December 21, 2004


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